

Horizontal Effect of Fundamental Rights in EU Law

Sonya Walkila



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Online Horizontal Effect Fundamental Rights Law

Eleni Frantziou



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Fundamental Rights Protection Online Bilyana Petkova, Tuomas Ojanen, 2020-12-25 Fundamental Rights Protection Online presents an in depth analysis of national supranational and international attempts at online speech regulation illustrating how the law has been unsettled on how to treat intermediaries

Research Handbook on EU Internet Law Andrej Savin, Jan Trzaskowski, 2023-10-06 The Internet has brought about unprecedented changes to modern life creating a connected society but also radically opening up the question of how to design and apply legal rules in a digital world This thoroughly revised second edition provides an updated exploration of the latest developments and controversies in European Internet law

Responsible AI and Analytics for an Ethical and Inclusive Digitized Society Denis Dennehy, Anastasia Griva, Nancy Pouloudi, Yogesh K. Dwivedi, Ilias Pappas, Matti Mäntymäki, 2021-08-25 This volume constitutes the proceedings of the 20th IFIP WG 6.11 Conference on e Business e Services and e Society I3E 2021 held in Galway Ireland in September 2021 The total of 57 full and 8 short papers presented in these volumes were carefully reviewed and selected from 141 submissions The papers are organized in the following topical sections AI for Digital Transformation and Public Good AI AI Philosophy Ethics Privacy Digital Enabled Sustainable Organizations and Societies Digital Technologies and Organizational Capabilities Digitized Supply Chains Customer Behavior and E business Blockchain Information Systems Development Social Media and Teaching Learning The conference was held virtually due to the COVID 19 pandemic

The European Union as Guardian of Internet Privacy Hielke Hijmans, 2016-09-06 This book examines the role of the EU in ensuring privacy and data protection on the internet It describes and demonstrates the importance of privacy and data protection for our democracies and how the enjoyment of these rights is challenged by particularly big data and mass surveillance The book takes the perspective of the EU mandate under Article 16 TFEU It analyses the contributions of the specific actors and roles within the EU framework the judiciary the EU legislator the independent supervisory authorities the cooperation mechanisms of these authorities as well as the EU as actor in the external domain Article 16 TFEU enables the Court of the Justice of the EU to play its role as constitutional court and to set high standards for fundamental rights protection It obliges the European Parliament and the Council to lay down legislation that encompasses all processing of personal data It confirms control by independent supervisory authorities as an essential element of data protection and it gives the EU a strong mandate to act in the global arena The analysis shows that EU powers can be successfully used in a legitimate and effective manner and that this subject could be a success story for the EU in times of widespread euroskepsis It demonstrates that the Member States remain important players in ensuring privacy and data protection In order to be a success story the key stakeholders should be prepared to go the extra mile so it is argued in the book The book is based on academic research for which the author received a double doctorate at the University of Amsterdam and the Vrije Universiteit Brussels It builds on a long inside experience within the European institutions as well as within the community of data protection and data protection

authorities It is a must read in a time where the setting of EU privacy and data protection is changing dramatically not only as a result of the rapidly evolving information society but also because of important legal developments such as the entry into force of the General Data Protection Regulation This book will appeal to all those who are in some way involved in making this regulation work It will also appeal to people interested in the institutional framework of the European Union and in the role of the Union of promoting fundamental rights also in the wider world **Transnational Culture in the Internet Age**

Sean A. Pager,Adam Candeub,2012-01-01 Digital technology has transformed global culture connecting and empowering users on a hitherto unknown scale Existing paradigms from intellectual property rights to cultural diversity and telecommunications regulation seem increasingly obsolete confounding policymakers and provoking wide ranging debate Transnational Culture in the Internet Age draws on a range of disciplines to examine new approaches to regulating communications and cultural production The insightful contributions shed new light on insufficiently examined issues and highlight connections that cut across the many different domains in which such regulations operate Building upon the framework presented by David Post one of the first and most prominent scholars of cyber law and a contributor to this volume the authors address the implications and economics of the Internet s astronomical scale jurisdiction and enforcement of the web as it relates to topics including libel tourism and threats to free speech and the power of global communication to dissolve and recreate identities Ideal for students and scholars of innovation technology cyber law and communication Transnational Culture in the Internet Age will be a valuable addition to any library **Artificial Intelligence and Human Rights**

,2023-08-18 The scope of Artificial Intelligence s AI hold on modern life is only just beginning to be fully understood Academics professionals policymakers and legislators are analysing the effects of AI in the legal realm notably in human rights work Artificial Intelligence technologies and modern human rights have lived parallel lives for the last sixty years and they continue to evolve with one another as both fields take shape Human Rights and Artificial Intelligence explores the effects of AI on both the concept of human rights and on specific topics including civil and political rights privacy non discrimination fair procedure and asylum Second and third generation human rights are also addressed By mapping this relationship the book clarifies the benefits and risks for human rights as new AI applications are designed and deployed Its granular perspective makes Human Rights and Artificial Intelligence a seminal text on the legal ramifications of machine learning This expansive volume will be useful to academics and professionals navigating the complex relationship between AI and human rights Fundamental Rights and Private Law in the European Union: A comparative overview Gert

Brüggemeier,Aurelia Colombi Ciacchi,Giovanni Comandé,2010 This two volume comparative study carried out by the Research Training Network on Fundamental Rights and Private Law in the European Union offers an overview of the doctrines and case law on the direct or indirect application of a fundamental right for example a national constitutional right or an international human right in order to solve a dispute between private parties in England France Germany Italy the

Netherlands Poland Portugal Spain and Sweden Volume I contains national reports for each of these countries preceded by a brief introduction explaining the project terminology and methodology and followed by a comparative chapter A contribution on the horizontal effect of fundamental rights and freedoms in EU law is also included Volume II includes ten comparative analyses of selected case patterns in contract tort property and family law which have been adjudicated with reference to fundamental rights in many or at least some of these countries

Judicial Protection of Fundamental Rights on the Internet Oreste Pollicino, 2021-04-22 This book explores how the Internet impacts on the protection of fundamental rights particularly with regard to freedom of speech and privacy In doing so it seeks to bridge the gap between Internet Law and European and Constitutional Law The book aims to emancipate the debate on internet law and jurisprudence from the dominant position with specific reference to European legal regimes This approach aims to inject a European and constitutional soul into the topic Moreover the book addresses the relationship between new technologies and the protection of fundamental rights within the theoretical debate surrounding the process of European integration with particular emphasis on judicial dialogue This innovative book provides a thorough analysis of the forms models and styles of judicial protection of fundamental rights in the digital era and compares the European vision to that of the United States The book offers the first comparative analysis in which the notion of judicial frame borrowed from linguistic and cognitive studies is systematically applied to the theories of interpretation and argumentation With a Foreword by Robert Spano President of the European Court of Human Rights

Fundamental Rights and Private Law in the European Union: Comparative analyses of selected case patterns Gert Brüggemeier, Aurelia Colombi Ciacchi, Giovanni Comandé, 2010 Comparative study carried out by the Research Training Network on Fundamental Rights and Private Law in the European Union P iv of cover Vol 1 2

Personality and Data Protection Rights on the Internet Marion Albers, Ingo Wolfgang Sarlet, 2022-03-12 This book focuses on protection needs and new aspects of personality and data protection rights on the Internet presenting a comprehensive review that discusses and compares international European and national Brazilian German Pakistani perspectives It deals with overarching questions such as whether universal minimum standards of privacy protection can be developed or how regional data protection rights can be safeguarded and enforced extraterritorially given the conditions of the Internet Furthermore the book addresses new challenges and novel rights e g data retention and protection against mass surveillance the right to be forgotten rights to anonymity legal issues of the digital estate or rights relating to algorithmic decision making Furthermore the book explores how well known paradigms such as liability for personality rights violations or damages have to be adapted in view of the significant role of intermediaries

Horizontal Effect of Fundamental Rights in EU Law Sonya Walkila, 2016 The Court of Justice strives to interpret and apply the law in a way which contributes to a build up of a coherent case law and conforms to fundamental rights as closely as possible The immediate source of the jeopardising act or degree of the incurred effects should not prove decisive Rather the horizontal effect of fundamental rights contributes to the primacy

unity and effectiveness of European Union law This study suggests it is feasible to consider the horizontal effect of fundamental rights in the context of EU law However because of the semantic and structural openness of fundamental right norms they often necessitate the deduction of a more concrete normative content This concretization of abstract norms makes adjudicating on the basis of fundamental rights a delicate matter since it gives great power to the courts Where this power is extended to the area which typically falls in the sphere of private law it grows even stronger **The Horizontal**

Effect of Fundamental Rights in the European Union Eleni Frantziou, 2019-01-31 This book analyses the horizontal effect of fundamental rights in the European Union from a constitutional perspective It advances two main arguments First it argues that the horizontal effect of fundamental rights i e their application to disputes between private parties cannot be usefully discussed based on the existing EU horizontality doctrine which associates horizontality with the exercise of horizontal direct effect only That doctrine is characterised by a series of overly technical rules as to how the latter may be produced and has a case specific nature that lacks overall constitutional coherence Secondly the book argues that a substantive theory of horizontality is required in EU law and sketches its main parameters In the fundamental rights context horizontal effect has organisational implications for society which go beyond specific intersubjective disputes It is argued that its determination requires an explicit recognition of the public character of certain private platforms of will formation e g the workplace and a discussion of the role of fundamental rights therein At the same time a constitutionally adequate model of horizontality involves an acknowledgment of the supranational character of EU adjudication the determination of horizontal applicability of a fundamental right within a type of private authority relationship falls upon the Court of Justice but the precise manifestation of horizontal effect e g direct indirect or state mediated effect rests with national courts

On-Line Rights for Employees in the Information Society: Use and Monitoring of E-Mail and Internet at Work Roger Blanpain, 2002-02-15 Marital Property in Civil and Customary Marriages Dianne Hubbard, Beth Terry, 2005

International Review of Intellectual Property and Competition Law, 2004 Hibernian Law Journal, 2000

Media Freedom Under the Human Rights Act Helen Fenwick, Gavin Phillipson, 2006 Media Freedom under the Human Rights Act provides the most comprehensive analysis to date of the impact of Article 10 ECHR as received through the Human Rights Act 1998 on the substantive law governing freedom of expression in the media Fully up to date the book provides extensive coverage of crucial recent developments in this field these include the key cases of Ashworth and Punch in the area of contempt the ground breaking privacy decisions in Von Hannover v Germany and Campbell v MGN full consideration of theoretical approaches to explicit speech and blasphemy including a detailed critique of Strasbourg case law in the area detailed discussion of the new offence of incitement to religious hatred the new scheme for content regulation of broadcasting under the Communications Act 2003 in the light of Prolife Alliance a full survey of recent domestic and Strasbourg caselaw in the areas of copyright and political defamation and analysis of the early impact of the Freedom of

Information Act The authors both leading academics in the field have drawn on significant comparative decisions to formulate a coherent and provocative critique of the relationship between media law and freedom of expression and suggested principles which make a significant contribution to the legal discourse surrounding media freedom in the Human Rights Act era The result is a book which provides a scholarly and theoretically informed analysis of this very topical subject of interest to those studying at all levels and practising in this area of law European Access, 1999

The Horizontal Effect of Fundamental Rights in the European Union Eleni Frantziou, 2019 This book analyses the horizontal effect of fundamental rights in the European Union from a constitutional perspective It advances two main arguments First it argues that the horizontal effect of fundamental rights i e their application to disputes between private parties cannot be usefully discussed based on the existing EU horizontality doctrine which associates horizontality with the exercise of horizontal direct effect only That doctrine is characterised by a series of overly technical rules as to how the latter may be produced and has a case specific nature that lacks overall constitutional coherence Secondly the book argues that a substantive theory of horizontality is required in EU law and sketches its main parameters In the fundamental rights context horizontal effect has organisational implications for society which go beyond specific intersubjective disputes It is argued that its determination requires an explicit recognition of the public character of certain private platforms of will formation e g the workplace and a discussion of the role of fundamental rights therein At the same time a constitutionally adequate model of horizontality involves an acknowledgment of the supranational character of EU adjudication the determination of horizontal applicability of a fundamental right within a type of private authority relationship falls upon the Court of Justice but the precise manifestation of horizontal effect e g direct indirect or state mediated effect rests with national courts

Fundamental Rights Challenges Cristina Izquierdo-Sans, Carmen Martínez-Capdevila, Magdalena Nogueira-Guastavino, 2021-06-17 This book presents a comprehensive review of fundamental rights issues that are currently in the spotlight The first part explores why the question of whether or not fundamental rights have horizontal effect is a topic of endless debate The second part focuses on human rights and the rule of law It begins by arguing that the hitherto valid model of the rule of law is now outdated and then goes on to outline the importance of the judicial dimension in countering threats to the independence of the judiciary Lastly the third part addresses a classic issue in the field of human rights states margin of appreciation highlighting two aspects i the elements used by the ECJ to determine the scope of the margin of appreciation which varies depending on the subject matter the nature of the right in question as well as the severity and the purpose of the interference and ii the margin of appreciation enjoyed by national courts when interpreting the law Exploring current issues concerning a topic of eternal interest the book will appeal to scholars and practitioners alike Written by formidable intellectual talents committed to the study of fundamental rights it rigorously analyses the most recent judgments of both the ECJ and the ECHR

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